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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

2:13-cr-418-APG-VCF

Plaintiff,

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
(First Request)

VS.

GABRIEL MESA,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant Federal Public Defender, counsel for defendant GABRIEL MESA, that the calendar call currently scheduled for January 22, 2014, at the hour of 8:45 a.m., be vacated and the trial currently scheduled for January 27, 2014, at the hour of 9:00 a.m., be vacated and set to a time and date convenient to this court. However, in no event earlier than sixty (60) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including February 20, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notice of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including March 6, 2014, by the hour of 4:00 p.m., within which to file any all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
2 have to and including March 13, 2014, by the hour of 4:00 p.m., within which to file any and all
3 replies to dispositive motions.

4 This Stipulation is entered into for the following reasons:

5 1. On December 12, 2013 counsel for the defendant received the discovery. Counsel
6 will need additional time to conduct investigation in this case in order to determine whether there
7 are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will
8 be resolved through negotiations.

9 2. The defendant is incarcerated and does not object to the continuance.

10 3. The parties agree to the continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but merely
12 to allow counsel for defendant sufficient time within which to be able to effectively and complete
13 investigation of the discovery materials provided.

14 5. Additionally, denial of this request for continuance could result in a miscarriage of
15 justice. The additional time requested by this Stipulation is excusable in computing the time within
16 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
17 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
18 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

19 This is the first request to continue motion and trial dates filed herein.

20 DATED this 19th day of December, 2013.

21 RENE L. VALLADARES
22 Federal Public Defender

23 */s/ Monique Kirtley*
24 By: MONIQUE KIRTLEY
25 Assistant Federal Public Defender
Counsel for Gabriel Mesa

DANIEL G. BOGDEN
United States of America

26 */s/ Cristina D. Silva*
27 By: CRISTINA D. SILVA
28 Assistant United States Attorney
Counsel for the Plaintiff

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On December 12, 2013 counsel for the defendant received the discovery. Counsel will need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including February 20, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including March 6, 2014, by the hour of 4:00 p.m., within which to file any all responsive pleadings.

IT IS FURTHER ORDERED that the parties shall have to and including March 13, 2014, by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by 12:00 p.m., April 23, 2014.

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1 IT IS FURTHER ORDERED that the calendar call currently scheduled for January 22, 2014,
2 at the hour of 8:45 a.m., be vacated and continued to April 23, 2014 at 8:45 a.m., Courtroom 6C;
3 and the trial currently scheduled for January 27, 2014, at the hour of 9:00
4 a.m., be vacated and continued to April 28, 2014 at 9:00 a.m., Courtroom 6C.

5 DATED 3rd day of January, 2014.

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7 UNITED STATES DISTRICT JUDGE

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